

# UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 06, 2020**

SEAN F. MCAVOY, CLERK

DUANE WARD, an individual; and  
RACHELLE WARD, an individual,

*Plaintiffs*

v.

Civil Action No. 4:19-CV-05014-SMJ

COUNTY OF BENTON, an entity;  
CHILD PROTECTION SERVICES, an  
entity; CHILD WELFARE SERVICES,  
an entity; CHILDREN'S

ADMINISTRATION, an entity;  
SEATTLE CHILDREN'S HOSPITAL,  
an entity; CHILDREN'S

PROTECTION PROGRAM, an entity;  
PROTECTION PROGRAM SCAN  
TEAM, an entity; DEPARTMENT OF  
CHILD, YOUTH, AND FAMILY, an  
entity; DEPARTMENT OF SOCIAL  
AND HEALTH SERVICES, an entity;

CITY OF SEATTLE, an entity;  
SEATTLE POLICE DEPARTMENT,  
an entity; CITY OF RICHLAND, an  
entity; ANA BROWN, an individual;  
ERIC CHOW, an individual; MARCO  
DEOCHOA, an individual; JENNIFER  
GOURLEY, an individual; KEVIN  
SHARP-SMITH, an individual;

SHANNON SULLIVAN, an individual;  
DAMON JANSEN, an individual and  
official capacity; HONORABLE JERRI

POTTS, individual and official capacity; KATHY LUND,  
an individual; LESLIE SMITH, individual  
and official capacity; LAUREN

TRUSCOTT, individual and official  
capacity; REBECCA WIESTER,  
individual and official capacity; ROSS  
HUNTER, official capacity; JODY

BECKER, individual capacity;  
JENNIFER STRUS, individual  
capacity; and DOES 1-100 INCLUSIVE;

*Defendants*

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (name) \_\_\_\_\_

☒ other:

The Hospital Defendants' Joint Motion to Dismiss Plaintiffs' Second Amended Complaint of Defendants Seattle Children's Hospital, Ana Brown, Eric Chow, M.D., Kelly Faucette, M.D., and Rebecca Weister, M.D., ECF No. 52, is GRANTED. Plaintiffs' claims against Defendants Seattle Children's Hospital, Ana Brown, Eric Chow, M.D., Kelly Faucette, M.D., Rebecca Weister, M.D., the Seattle Police Department, and Leslie Smith are DISMISSED WITH PREJUDICE, with all parties to bear their own fees, costs, and expenses.

Defendants' City of Seattle, Seattle Police Department, Leslie Smith and Lauren Truscott's 12(b)(6) Motion to Dismiss, ECF No. 73, is GRANTED IN PART. Plaintiffs' claims against Lauren Truscott for conduct that occurred in 2014 are DISMISSED WITH PREJUDICE. Plaintiffs' claims against the City of Seattle, except for Plaintiffs' Tenth Claim for failure to train in relation to Lauren Truscott's alleged 2016 conduct, are DISMISSED WITH PREJUDICE.

Judgment is entered in favor of Defendants Seattle Children's Hospital, Ana Brown, Eric Chow, M.D., Kelly Faucette, M.D., Rebecca Weister, M.D., the City of Seattle, the Seattle Police Department, and Leslie Smith accordingly.

This action was (check one):

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision was reached.

☒ decided by Judge Salvador Mendoza, Jr. on motions to dismiss.

Date: 03/06/2020

CLERK OF COURT

SEAN F. McAVOY

s/ Virginia Reisenauer, Deputy Clerk

Virginia Reisenauer